

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-22671-CIV-ALTONAGA/Torres

DELIO BATISTA, *et al.*,

Plaintiffs,

v.

AVANT ASSURANCE INC., *et al.*,

Defendants.

---

**ORDER**

**THIS CAUSE** came before the Court on Plaintiffs’ Second Motion for Extension of Discovery Deadline *Nunc Pro Tunc* [ECF No. 60], filed May 16, 2023. Local Rule 7.1(a)(3) of the U.S. District Court for the Southern District of Florida provides:

Prior to filing any motion in a civil case, . . . counsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing), or make reasonable effort to confer (orally or in writing), with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be raised in the motion. . . . At the end of the motion, and above the signature block, counsel for the moving party *shall certify* [in accordance herewith.]

(alterations and emphasis added). The Rule further states that “[f]ailure to comply . . . may be cause for the Court to grant or deny the motion and impose on counsel an appropriate sanction . . . .” *Id.* (alterations added).

According to the Motion, the “undersigned counsel’s office conferred with defense counsel’s office via email on May 12, 2023, regarding the relief requested in this Motion.” (Mot. 2). From this statement, it is unclear what Defendants’ position is on the Motion.

Therefore, it is

**ORDERED AND ADJUDGED** that the Motion [ECF No. 60] is **DENIED WITHOUT**

CASE NO. 22-22671-CIV-ALTONAGA

**PREJUDICE.**

**DONE AND ORDERED** in Miami, Florida, this 16th day of May, 2023.

  
\_\_\_\_\_  
**CECILIA M. ALTONAGA**  
**CHIEF UNITED STATES DISTRICT JUDGE**

cc: counsel of record